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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIYA CHERNYKH,
TATIANA FAROOK, and
SYED RAHEEL FAROOK,

Defendants.

No. ED CR 16-292-JGB

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT TRIAL DATE:
June 21, 2016

[PROPOSED] TRIAL DATE:
November 8, 2016

Plaintiff United States of America, by and through its counsel
of record, the United States Attorney for the Central District of
California and Assistant United States Attorneys Jay H. Robinson,
Melanie Sartoris, and Mieke B. Tarwater, and defendants Mariya
Chernykh, Tatiana Farook, and Syed Raheel Farook ("defendants"), by

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1 and through their counsel of record, David Kaloyanides, Esq., Dyke
2 Huish, Esq., and Ron Cordova, Esq., respectively, hereby stipulate as
3 follows:

4 1. The Indictment in this case was made public on April 28,
5 2016. Defendants first appeared before a judicial officer of the
6 court in which the charges in this case were pending on April 28,
7 2016. The Speedy Trial Act, 18 U.S.C. § 3161, originally required
8 that the trial commence on or before July 7, 2016.

9 2. On April 28, 2016, the Court set a trial date of June 21,
10 2016, and a status conference date of June 6, 2016.

11 3. Defendant CHERNYKH was released on bond pending trial in
12 this matter but, following her release, was taken into the custody of
13 the Department of Homeland Security, Immigration and Customs
14 Enforcement. Defendants TATIANA FAROOK and SYED RAHEEL FAROOK are
15 released on bond pending trial. The parties estimate that the trial
16 in this matter will last approximately 6-8 days. All defendants are
17 joined for trial and a severance has not been granted.

18 4. By this stipulation, defendants move to continue the trial
19 date to November 8, 2016 at 9 a.m. and the status conference to
20 October 31, 2016 at 10 a.m. This is the first request for a
21 continuance.

22 5. Defendants requests the continuance based upon the
23 following facts, which the parties believe demonstrate good cause to
24 support the appropriate findings under the Speedy Trial Act:

25 a. Defendants are charged with a violation of 18 U.S.C.
26 § 371: Conspiracy. In addition, defendant CHERNYKH is charged with
27 violations of 18 U.S.C. § 1546: Fraud and Misuse of Visas, Permits,
28 and Other Documents; 18 U.S.C. § 1621: Perjury; and 18 U.S.C.

1 § 1001(a)(2): Material False Statements. This case involves a large
2 amount of discovery, which the government estimates to include
3 thousands of pages of reports of investigation and other documents,
4 and hundreds of hours of audio and/or video recordings constituting
5 at least 4 terabytes of data. The parties continue to meet and
6 confer about discovery, and are negotiating a stipulation to request
7 a protective order concerning discovery produced in this matter.

8 b. Defense counsel represent that they will not have the
9 time that they believe is necessary to prepare to try this case on
10 the current trial date.

11 c. In light of the foregoing, counsel for defendants also
12 represent that additional time is necessary to confer with
13 defendants, conduct and complete an independent investigation of the
14 case, conduct and complete additional legal research including for
15 potential pre-trial motions, review the discovery and potential
16 evidence in the case, and prepare for trial in the event that a
17 pretrial resolution does not occur. Defense counsel represent that
18 failure to grant the continuance would deny them reasonable time
19 necessary for effective preparation, taking into account the exercise
20 of due diligence.

21 d. Defendants believe that failure to grant the
22 continuance will deny them continuity of counsel and adequate
23 representation.

24 e. The government does not object to the continuance.

25 f. The requested continuance is not based on congestion
26 of the Court's calendar, lack of diligent preparation on the part of
27 the attorney for the government or the defense, or failure on the
28

1 part of the attorney for the Government to obtain available
2 witnesses.

3 6. For purposes of computing the date under the Speedy Trial
4 Act by which defendant's trial must commence, the parties agree that
5 the time period of June 21, 2016 to November 8, 2016, inclusive,
6 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
7 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a
8 continuance granted by the Court at defendant's request, without
9 government objection, on the basis of the Court's finding that: (i)
10 the ends of justice served by the continuance outweigh the best
11 interest of the public and defendant in a speedy trial; (ii) failure
12 to grant the continuance would be likely to make a continuation of
13 the proceeding impossible, or result in a miscarriage of justice; and
14 (iii) failure to grant the continuance would unreasonably deny
15 defendant continuity of counsel and would deny defense counsel the
16 reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence.

18 7. Nothing in this stipulation shall preclude a finding that
19 other provisions of the Speedy Trial Act dictate that additional time

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1 periods be excluded from the period within which trial must commence.
2 Moreover, the same provisions and/or other provisions of the Speedy
3 Trial Act may in the future authorize the exclusion of additional
4 time periods from the period within which trial must commence.

5 IT IS SO STIPULATED.

6 Dated: June 1, 2016

Respectfully submitted,

7 EILEEN M. DECKER
United States Attorney

8 PATRICIA A. DONAHUE
9 Assistant United States Attorney
Chief, Criminal Division

10
11 /s/ Mieke B. Tarwater

JAY H. ROBINSON
12 MELANIE SARTORIS
13 MIEKE B. TARWATER
Assistant United States Attorney

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA
16

17 I am Defendant CHERNYKH's attorney. I have carefully discussed
18 every part of this stipulation and the continuance of the trial date
19 with my client. I have fully informed my client of her Speedy Trial
20 rights. To my knowledge, my client understands those rights and
21 agrees to waive them. I believe that my client's decision to give up

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1 the right to be brought to trial earlier than November 8, 2016 is an
 2 informed and voluntary one.

3 /s/ by electronic authorization

June 1, 2016

4 DAVID KALOYANIDES

Date

5 Attorney for Defendant

MARIYA CHERNYKH

6 I am Defendant TATIANA FAROOK's attorney. I have carefully
 7 discussed every part of this stipulation and the continuance of the
 8 trial date with my client. I have fully informed my client of her
 9 Speedy Trial rights. To my knowledge, my client understands those
 10 rights and agrees to waive them. I believe that my client's decision
 11 to give up the right to be brought to trial earlier than November 8,
 12 2016 is an informed and voluntary one.

13 /s/ by electronic authorization

May 26, 2016

14 DYKE HUI SH

Date

15 Attorney for Defendant

TATIANA FAROOK

16 I am Defendant SYED RAHEEL FAROOK's attorney. I have carefully
 17 discussed every part of this stipulation and the continuance of the
 18 trial date with my client. I have fully informed my client of his
 19 Speedy Trial rights. To my knowledge, my client understands those
 20 rights and agrees to waive them. I believe that my client's decision
 21 to give up the right to be brought to trial earlier than November 8,
 22 2016 is an informed and voluntary one.

23 /s/ by electronic authorization

June 1, 2016

24 RON CORDOVA

Date

25 Attorney for Defendant

26 SYED RAHEEL FAROOK